

DIRECTOR OF CENTRAL INTELLIGENCE

Security Committee

SECOM-D-723

26 November 1979

MEMORANDUM FOR: Chairman, Unauthorized Disclosures
Investigations Subcommittee

FROM:

Executive Secretary

STATINTL

SUBJECT: Task - Preparation of SECOM Position to
DCI on Intelligence Community Legal
Memorandum on Actions to Curb Leaks

1. Action Requested: That you and your subcommittee prepare a SECOM position paper for DCI consideration in connection with the attached paper entitled "Program of Action to Curb Unauthorized Public Disclosure of Sensitive Intelligence Information."

2. Background: The General Counsels of CIA, NSA, DIA and DoD drafted a paper for DCI consideration to be sent to Dr. Brzezinski on the problems of leaks. The DCI mentioned this paper in a memorandum to Dr. Brzezinski of 22 October 1979. On 24 October 1979 Dan Silver met with Mr. Lloyd Cutler to discuss the problem of leaks. Mr. Cutler was receptive, particularly to two ideas contained in the DCI's draft memorandum to Dr. Brzezinski. They are (1) a system of prior clearances with the Executive Branch for authorized disclosures of intelligence and (2) directing the FBI to investigate leaks so as to apply administrative sanctions and perhaps to meet the FBI's manpower shortage by detailing to them Departmental Office of Security Agents.

On 29 October, Mr. Silver proposed to the DCI that the Legal Counsels memorandum be sent directly to Dr. Brzezinski and Mr. Cutler without DCI endorsement. This would leave him free to adopt a position on any proposals considered by the Special Coordination Committee. The DCI concurred in this suggestion and the memorandum was delivered.

3. Discussions: Legal Counsels of the Intelligence Community have been seriously and deeply concerned with the leak problem. Their proposals were drafted to try to reduce the problem to at least manageable proportions. Their basic approach is to recognize that Administration officials should be provided guidance in this area and that FBI investigations for other than prosecution could have beneficial results.

In large measure, implementation of such a proposal will fall to security officers of the Community. This is particularly true in connection with the suggestion of detailing security personnel to supplement FBI manpower resources in this sphere.

The Security Committee was not a participant in the preparation of the Legal Counsels proposals nor did events permit coordination with the Committee. It would appear that some observations by the Committee could contribute to the factors and alternatives to be considered by the DCI in his appraisal of options and courses of action he will be asked to address when or if the Legal Counsel proposals are considered by the Special Coordination Committee. It is also appropriate for the Chairman, SECOM, to have the advice and counsel of Committee members if he is consulted on this matter by the DCI.

Events are moving rapidly and the SECOM should move quickly so as to arrive at a consolidated and agreed on range of alternatives and courses of actions.

4. Tasking: It is requested that you meet with members of your subcommittee and review the issues presented by the Legal Counsels and prepare an advisory paper for consideration of the Chairman and Members of SECOM. The results of your deliberations would be appreciated by December 17, 1979.

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Remarks: Mike: For your consideration only, I attach copies of relevant correspondence on this matter. I request that you respect the nature and content of these documents, and not make any of them available to members of your subcommittee with the exception of the basic document prepared by the Community's Legal Counsels. <div style="border: 1px solid black; height: 40px; width: 250px; margin: 0 auto;"></div> <div style="text-align: right; margin-top: 10px;"> Executive Secretary DCI Security Committee </div>			
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